

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Jttonali One Eye El-Bey,

Plaintiff,

v.

Case No. 1:21-cv-00680

Elliott Sylvester, et al.,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Magistrate Judge's April 28, 2022 Report and Recommendation ("R&R"). (Doc. 11).

The Court gave Plaintiff proper notice under Federal Rule of Civil Procedure 72(b), including notice that he would waive further appeal if he failed to file objections to the R&R 14 days after service. (*Id.* PageID 79); see *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Within that period, Plaintiff filed a document with this case number on it, that is titled "Memorandum," and that does not reference the April 28, 2022 R&R. (Doc. 14). The Clerk docketed this filing as objections to the April 28, 2022 R&R. Outside of the 14-day objection period, Plaintiff filed a document with this case number on it, that is titled "Request for 'Leave of Court,'" and expressly refers to the Court's ruling regarding "Plaintiff failing to state a claim and or the granting of sovereign immunity," (Doc. 16) which are findings and recommendations found in the April 28, 2022 R&R (Doc. 11). Plaintiff requests leave to file objections. (*Id.* PageID 113). The Court will grant Plaintiff leave to file the objections in this case number and instruct the Clerk to change the docket entry for (Doc. 14) to read "MEMORANDUM" filed by Plaintiff rather than "OBJECTION" filed by Plaintiff.

When the Court receives timely objections to a magistrate judge's R&R on a dispositive matter, the district judge "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." FED. R. Civ. P. 72(b)(3). After review, the district judge "may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." *Id.*; see 28 U.S.C. § 636(b)(1).

To the extent that Plaintiff's objections to the April 28, 2022 R&R in this matter include argument regarding other pending civil or criminal lawsuits that he is involved in in the Southern District of Ohio or in state court, the Court will not address those arguments. Plaintiff cannot file an omnibus motion for all of the civil and criminal cases that he is involved in at this Court.

Turning to Plaintiff's objections involving this case number, the Court cannot discern a specific objection to the April 28, 2022 R&R. See (Doc. 16 PageID 116-17). Instead, Plaintiff reiterates the allegations in his Complaint. See (*id.*) The Court finds that the portion of this filing related to this case number is nothing more than a general disagreement with the April 28, 2022 R&R, which is insufficient to direct the Court's attention to a specific issue with the recommendation of dismissal of his claims except for those against Defendants Sylvester, Juillerat, and Rager. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (holding that the objections of a petitioner appearing pro se will be construed liberally); *Aldrich v. Bock*, 327 F.Supp. 2d 743, 747 (E.D. Mich. 2004) ("An 'objection' that does nothing more than state a disagreement with a magistrate [judge]'s suggested resolution, or simply summarizes what has been presented before, is not an 'objection' as that term is used in this context.").

After a de novo review of the filings in this matter, the Court finds that the Magistrate Judge correctly determined that this case should be dismissed the exception of Plaintiff's unlawful arrest claims against Defendants Sylvester, Juillerat, and Rager. See FED. R. CIV. P. 72(b)(3). The Court will adopt the R&R in its entirety.

In light of the foregoing, it is hereby **ORDERED** that the Clerk **CHANGE** the docket entry for (Doc. 14) to read "MEMORANDUM" filed by Plaintiff rather than "OBJECTION" filed by Plaintiff. It is **ORDERED** that Plaintiff's Motion for Leave (Doc. 16) is **GRANTED**, and the Court has considered the objections related to this case number found therein. It is **ORDERED** that the R&R (Doc. 11) is **ADOPTED**. Consistent with the recommendations therein, it is **ORDERED** that the Complaint is **DISMISSED** the exception of Plaintiff's unlawful arrest claims against Defendants Sylvester, Juillerat, and Rager, and the Court **CERTIFIES** that an appeal of this Order adopting the R&R would not be taken in good faith.

IT IS SO ORDERED.

/s Michael R. Barrett
Michael R. Barrett, Judge
United States District Court